

**IN THE UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF OKLAHOMA**

In re:

SHELLY LeANN TORRES

Debtor

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**Case No. 19-15022
Chapter 13**

**FIRST UNITED BANK & TRUST COMPANY'S OBJECTION
TO CONFIRMATION OF DEBTOR'S CHAPTER 13 PLAN**

COMES NOW First United Bank & Trust Company ("FUB"), a secured creditor in this bankruptcy case, by its attorney, William Riley Nix, and respectfully sets forth its Objection to Confirmation of Debtor's Chapter 13 Plan as follows:

1. Debtor is indebted to FUB on a mortgage loan encumbering certain real property commonly known as 6108 Dixie Court, Kingston, OK 73439 (the "Real Property").
2. On or about December 16, 2019, Debtor filed a voluntary petition for relief under Chapter 13 of the United States Bankruptcy Code (§101, et seq. of the Bankruptcy Code).
3. Debtor's Chapter 13 Plan filed on December 29, 2019 (Dkt. #8), incorrectly states the claim secured by the Real Property under *Section (4) Other Secured Debts Which Will Extend Beyond the Length of the Plan (Long-Term Debts)* to be held by First Nation Bank et al with ongoing payments of \$296.00 and an estimated arrearage amount of \$1,776.00. As evidenced by FUB's Proof of Claim No. 22 on file herein, the owner and holder of the Promissory Note and Mortgage on the property located at 6108 Dixie Court, Kingston, OK is First United Bank & Trust and the secured claim amount is \$47,585.28, which bears interest at the rate of 6.75%. The Note and Mortgage are attached to the Proof of Claim No. 22 on file herein. Debtor has failed to provide for payment to FUB of its secured claim.

4. The Chapter 13 Plan does not adequately protect FUB for the foregoing reasons, and confirmation should be denied.

WHEREFORE PREMISES CONSIDERED, First United Bank and Trust Company prays that confirmation of Debtor's Chapter 13 Plan be denied, together with such other and further relief as this Court deems just and proper.

Respectfully submitted,

/s/ William Riley Nix

WILLIAM RILEY NIX

Oklahoma Bar Card #11687

717 North Crockett Street

Sherman, Texas 75090

Phone: 903/870-0212 / Fax: 903/870-0109

Email: riley_nix@yahoo.com

ATTORNEY FOR FIRST UNITED BANK &
TRUST COMPANY

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the above and foregoing First United Bank & Trust Company's Objection to Debtor's Chapter 13 Plan has been served either electronically or by first class U.S. Mail in compliance with the Federal and Local Rules of Bankruptcy Procedure on this 4th day of March, 2020 to the following:

Via Regular, US Mail to:

Shelly LeAnn Torres

12116 Skyway Avenue

Oklahoma City, OK 73162

Via Electronic Notification to:

Cecil W. Heaton

Attorney for Debtor

Heaton Law Firm

2 E. 11th Street, Suite #112

Edmond, OK 73034

ECF: cecilheaton@sbcglobal.net

U.S. Trustee
Office of the U.S. Trustee
215 Dean A. McGee Ave., 4th Floor
Oklahoma City, OK 73102

And to all parties requesting notice by electronic case filing notification on file herein.

/s/ William Riley Nix

William Riley Nix